

aw

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

DATE 3-31-94

UNITED STATES OF AMERICA

v.

Case Number 93-CR-178-002-B

IRL LUMM

Defendant.

**FILED**

MAR 30 1994

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, IRL LUMM, was represented by Jack Marwood Short.

On motion of the United States the court has dismissed count 1 of the Indictment.

The defendant pleaded guilty to counts 1 and 2 of the Information. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) and 841(b)(1)(B)(viii)	Unlawful Distribution Of Controlled Substance	02/19/92	1
21 USC 841(a)(1) and 841(b)(1)(B)(viii)	Unlawful Distribution Of Controlled Substance	03/03/92	2

As pronounced on March 25, 1994, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for counts 1 and 2 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 30<sup>th</sup> day of March, 1994.

Defendant's SSN: 448-44-6199

Defendant's Date of Birth: 07/26/47

Defendant's residence and mailing address: 245 West 12th Street, Tulsa, Oklahoma 74119

The Honorable Thomas R. Brett  
United States District Court )  
Northern District of Oklahoma ) SS

That the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

Defendant: IRL LUMM  
Case Number: 93-CR-178-002-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 63 months as to counts 1 and 2 of the Information, each sentence to run concurrently, each to the other.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: IRL LUMM  
Case Number: 93-CR-178-002-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 years as to each count, to run concurrently each to the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: IRL LUMM  
Case Number: 93-CR-178-002-B

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, with the exception of the fact that the firearms were located at the residence and the drug transactions occurred away from the residence. Therefore, the court finds that the two level enhancement for the possession of firearms during the distribution offense, is not warranted.

#### Guideline Range Determined by the Court:

Total Offense Level:	23	
Criminal History Category:	II	
Imprisonment Range:	51 months to 63 months	Counts 1 & 2 of the Information
Supervised Release Range:	4 to 5 years	Counts 1 & 2 of the Information
Fine Range:	\$ 10,000 to \$ 2,000,000	Counts 1 & 2 of the Information
Restitution:	\$ N/A	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

DATE 3/25/94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-165-001-C

BOBBY RAY PARKER  
Defendant.

FILED

MAR 25 1994

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, BOBBY RAY PARKER, was represented by William E. Hughes.

The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 922(g)(1) and 924(a)(2)	Possession Of A Firearm After Former Conviction Of A Felony	02/23/93	1

As pronounced on March 22, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 25<sup>th</sup> day of March, 1994.

  
The Honorable H. Dale Cook  
United States District Judge

United States District Court ) SS  
Northern District of Oklahoma )  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk  
By Richard M. Lawrence  
Deputy

Defendant's SSN: 441-68-4697

Defendant's Date of Birth: 03/13/59

Defendant's mailing address: 1825 North Rockford, Tulsa, Oklahoma 74106

Defendant's residence address: Oklahoma Department of Corrections, JCCC #95567, Route 1, Box 8,  
Helena, Oklahoma 73741

Defendant: BOBBY RAY PARKER  
Case Number: 93-CR-165-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 77 months. Said sentence shall run concurrently with Tulsa County District Court Case CF93-912, Counts 1 and 2.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate the Oklahoma Department of Corrections as the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the judgment in Tulsa County District Court Case CF93-912, Counts 1 and 2.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: BOBBY RAY PARKER

Case Number: 93-CR-165-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: BOBBY RAY PARKER  
Case Number: 93-CR-165-001-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	21
Criminal History Category:	VI
Imprisonment Range:	77 months to 96 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 7,500 to \$ 75,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.





DATE

3/25/94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-164-001-C

FILED

MAR 25 1994

HERBERT EUGENE HAWKINS, III  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

The defendant, HERBERT EUGENE HAWKINS, III, was represented by Ronald L. Daniels.

On motion of the United States the court has dismissed count 4 of the Indictment.

The defendant pleaded guilty to counts 1, 2, 3, and 5 of the Indictment. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1) and 841(b)(1)(C)	Distribution Of Cocaine Base	07/16/93	1
21 USC 841(a)(1) and 841(b)(1)(C)	Possession Of Cocaine Base With Intent To Distribute	07/16/93	2
18 USC 924(c)	Possession Of A Firearm During A Drug Trafficking Crime	07/16/93	3
18 USC 922(g)(1)	Possession Of A Firearm After Former Conviction Of A Felony	07/16/93	5

As pronounced on March 22, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 200, for counts 1, 2, 3, and 5 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 25 day of March, 1994.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 446-68-1024

Defendant's Date of Birth: 04/03/67

Defendant's residence and mailing address: 2236 West Newton Place, Unit A, Tulsa, Oklahoma 74127

RB

Defendant: HERBERT EUGENE HAWKINS, III  
Case Number: 93-CR-164-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 97 months. 37 months on each of counts 1, 2, and 5, all to run concurrently, each with the other. 60 months on count 3, consecutive to any other term of imprisonment, including the sentences in counts 1, 2, and 5.

The defendant is remanded to the custody of the United States Marshal.  
**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: HERBERT EUGENE HAWKINS, III  
Case Number: 93-CR-164-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 years. 4 years on counts 1 and 2, and 3 years on counts 3 and 5, all to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: HERBERT EUGENE HAWKINS, III  
Case Number: 93-CR-164-001-C

**FINE**

The defendant shall pay a fine of \$ 750.

This amount is the total of the fines imposed on individual counts, as follows: \$750 on count 1 of the Indictment.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release, in regular installment payments, as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: HERBERT EUGENE HAWKINS, III  
Case Number: 93-CR-164-001-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	17	
Criminal History Category:	IV	
Imprisonment Range:	37 months to 46 months	count 1, 2, & 5
	60 months	count 3
Supervised Release Range	3 to 5 years	count 1 & 2
	2 to 3 years	count 3 & 5
Fine Range:	\$ 5,000 to \$ 2,000,000	count 1, 2, 3, & 5
Restitution:	\$ N/A	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

United States District Court ) SS  
Northern District of Oklahoma )

I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By                       
Deputy

**FILED**

ENTERED ON DOCKET

UNITED STATES DISTRICT COURT  
Northern District of OklahomaDATE MAR 25 1994

MAR 25 1994

UNITED STATES OF AMERICA

v.

Case Number 93-CR-147-B

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMACHARLES DAVID COBURN, JR.  
Defendant.**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, CHARLES DAVID COBURN, JR., was represented by Stephen J. Knorr.

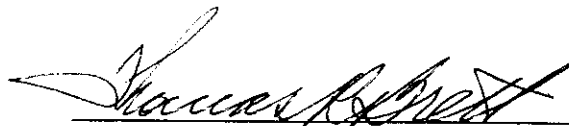
The defendant pleaded guilty to count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1344(1)	Bank Fraud	08/06/93	1

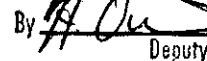
As pronounced on March 22, 1994, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24<sup>th</sup> day of March, 1994.The Honorable Thomas R. Brett  
United States District JudgeUnited States District Court )  
Northern District of Oklahoma ) SSI hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By   
Deputy

Defendant's SSN: 441-68-7870

Defendant's Date of Birth: 08/25/63

Defendant's residence and mailing address: 2909 Hiawatha Drive, Muskogee, Oklahoma 74401

Defendant: CHARLES DAVID COBURN, JR.  
Case Number: 93-CR-147-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 8 months. Said sentence shall run concurrently with Tulsa County District Court Case CF-93-1571 and 1631.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate the Oklahoma Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the judgments in Tulsa County, Oklahoma District Court, Case Numbers CF-93-1631 and CF-93-1571. Should the defendant be released from state custody prior to his service of this federal sentence, he should be transferred to the custody of the Bureau of Prisons to complete the sentence imposed in this case.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: CHARLES DAVID COBURN, JR.  
Case Number: 93-CR-147-B

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.



Defendant: CHARLES DAVID COBURN, JR.  
Case Number: 93-CR-147-B

**FINE**

The defendant shall pay a fine of \$ 500 as to count 1 of the Information. This fine includes any costs of incarceration and supervision.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This fine shall be payable in regular monthly installment payments during the term of supervised release as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: CHARLES DAVID COBURN, JR.  
Case Number: 93-CR-147-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$3,500 as to count 1 of the Information.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Bank of Oklahoma Attn.: Lowell Faulkenberry, Vice-President Internal Audit One Williams Center Tulsa, Oklahoma 74103.	\$3,500

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Upon release from custody, restitution shall be paid as a condition of supervised release, in regular monthly installments, as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: CHARLES DAVID COBURN, JR.  
Case Number: 93-CR-147-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	7
Criminal History Category:	II
Imprisonment Range:	2 months to 8 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 500 to \$ 1,000,000
Restitution:	\$ 3,500

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



DATE 3/25/94UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-145-001-C

BOBBY RAY RICE  
Defendant.

FILED

## JUDGMENT IN A CRIMINAL CASE

MAR 25 1994

(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, BOBBY RAY RICE, was represented by Ronald H. Mook.

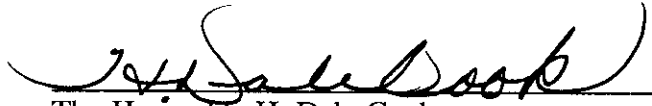
The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy To Commit Mail Fraud	06/18/91	1

As pronounced on March 22, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 25<sup>th</sup> day of March, 1994.  
The Honorable H. Dale Cook  
United States District JudgeUnited States District Court  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.  
Richard M. Lawrence, Clerk  
By W. Brady  
Deputy

Defendant's SSN: 441-42-9831

Defendant's Date of Birth: 11/09/42

Defendant's residence and mailing address: 1001 N. Rekdal Road, Stanwood, Washington

Defendant: BOBBY RAY RICE  
Case Number: 93-CR-145-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 46 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons 9:00 a.m. on April 25, 1994.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: BOBBY RAY RICE  
Case Number: 93-CR-145-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: BOBBY RAY RICE  
Case Number: 93-CR-145-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$12,365.65 as to count 1 of the Indictment.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
County Mutual Insurance 6110 N.W. 63rd Street Oklahoma City, Oklahoma 73132 Attn.: Terry Niles Claim Number 410-001969	\$12,365.65

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, as directed by the U. S. Probation Office. Restitution is to be paid jointly and severally with codefendant Billy Rice and companion defendant Sharon Daniels.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: BOBBY RAY RICE  
Case Number: 93-CR-145-001-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	23
Criminal History Category:	I
Imprisonment Range:	46 months to 57 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 50,000
Restitution:	\$ 12,365.65

The fine is waived or is below the guideline range because of the defendant's inability to pay.

Full restitution is not ordered for the following reason: Due to defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



DATE 3/25/94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-145-002-C

**FILED**

BILLY DON RICE  
Defendant.

MAR 25 1994

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, BILLY DON RICE, was represented by Darrell Bolton.

The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

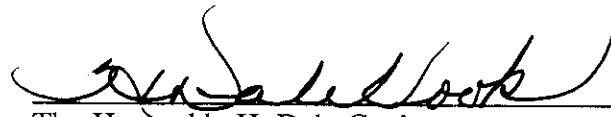
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy To Commit Mail Fraud	06/18/91	1

As pronounced on March 22, 1994, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 25<sup>th</sup> day of March, 1994.

  
The Honorable H. Dale Cook  
United States District Judge

United States District Court ) SS  
Northern District of Oklahoma )  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.  
Richard M. Lawrence, Clerk  
By W. B. [Signature]  
Deputy

Defendant's SSN: 441-42-8657

Defendant's Date of Birth: 01/15/42

Defendant's residence and mailing address: 12301 S. 88th East Avenue, Bixby, Oklahoma 74008

Defendant: BILLY DON RICE  
Case Number: 93-CR-145-002-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 45 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on May 9, 1994.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: BILLY DON RICE  
Case Number: 93-CR-145-002-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: BILLY DON RICE  
Case Number: 93-CR-145-002-C

**FINE**

The defendant shall pay a fine of \$ 1,000 as to count 1 of the Indictment. This fine includes any costs of incarceration and supervision.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release, as directed by the U.S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: BILLY DON RICE  
Case Number: 93-CR-145-002-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$12,365.65 as to count 1 of the Indictment.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Country Mutual Insurance 6110 N.W. 63rd Street Oklahoma City, Oklahoma 73132 Attn.: Terry Niles, Claim Number 410-001969	\$12,365.65

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, as directed by the U. S. Probation Office. Restitution to be paid fully except no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: BILLY DON RICE  
Case Number: 93-CR-145-002-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	22
Criminal History Category:	I
Imprisonment Range:	41 months to 51 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 7,500 to \$ 75,000
Restitution:	\$ 12,365.65

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

DATE 3/25/94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-134-001-C

TERRY LEO TRAYNOR  
Defendant.

FILED

MAR 23 1994

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, TERRY LEO TRAYNOR, was represented by Ronald Phelps.

On motion of the United States the court has dismissed counts 2, 3, 4, and 5 of the Indictment.

The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy To Commit Theft From Interstate Oil Pipeline	05/16/93	1

As pronounced on March 22, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 25<sup>th</sup> day of March, 1994.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 442-46-3783

Defendant's Date of Birth: 09/01/46

Defendant's residence and mailing address: 424 West King, Waukomis, Oklahoma 73773

United States District Court } SS  
Northern District of Oklahoma }  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.  
Richard M. Lawrence, Clerk  
By W. H. H. H. Deputy

RB

Defendant: TERRY LEO TRAYNOR  
Case Number: 93-CR-134-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months.

The Court makes the following recommendations to the Bureau of Prisons: Although the court will not recommend a place of incarceration, due to the defendant's family residing in Enid, Oklahoma, the court has no objection to the Bureau of Prisons designating El Reno FCI as the place of confinement.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal



Defendant: TERRY LEO TRAYNOR  
Case Number: 93-CR-134-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: TERRY LEO TRAYNOR  
Case Number: 93-CR-134-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$8,622.20 as to count 1 of the Indictment.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Koch Industries, Inc. Attn.: Gary Baker P.O. Box 2256 Wichita, Kansas 67201-2256	\$8,622.20

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, in regular installment payments, as directed by the U. S. Probation Office. The defendant shall be held joint and severally liable with two previously sentenced codefendants for the entire amount of restitution. In no event shall the victim receive more than the total amount of restitution applicable in this case.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: TERRY LEO TRAYNOR  
Case Number: 93-CR-134-001-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	9
Criminal History Category:	VI
Imprisonment Range:	21 months to 27 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 8,622.20

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

ENTERED ON DOCKET

DATE 3-24-94

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

RANDY EDGAR ALLEN, )

Defendant. )

No. 93-CR-127-C

**FILED**

MAR 24 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**MOTION AND ORDER OF DISMISSAL**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss the Indictment filed August 4, 1993, against Randy Edgar Allen, defendant.

STEPHEN C. LEWIS  
United States Attorney

GORDON B. CECIL  
Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion to dismiss and the Court hereby orders dismissal of the requested Indictment.

H. DALE COOK  
United States District Judge

Date:

GBC:ssg

DATE 3-23-94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-160-001-C

NELSON EUGENE EDWARDS  
Defendant.

FILED

MAR 22 1994

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, NELSON EUGENE EDWARDS, was represented by Robert Nigh, Jr..

On motion of the United States the court has dismissed count 1 of the Information.

The defendant pleaded guilty to count 2 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1344(1)	Bank Fraud	07/29/93	2

As pronounced on March 18, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 2 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 22<sup>nd</sup> day of March, 1994.



The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 440-72-0887

Defendant's Date of Birth: 09/24/65

Defendant's mailing address: 545 East 32nd Street North, Tulsa, Oklahoma 74106

Defendant's residence address: Tulsa County Jail

United States District Court ) SS  
Northern District of Oklahoma )

I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

Defendant: NELSON EUGENE EDWARDS  
Case Number: 93-CR-160-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months. Sentence to run concurrently with all other sentences previously imposed in Oklahoma.

**RETURN**

The defendant is remanded to the custody of the United States Marshal.

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: NELSON EUGENE EDWARDS

Case Number: 93-CR-160-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: NELSON EUGENE EDWARDS  
Case Number: 93-CR-160-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$1,480 as to count 2 of the Information.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Bank of Oklahoma One Williams Center P.O. Box 2300 Tulsa, Oklahoma 74013 Attn.: Lowell Faulkenberry	\$1,480.00

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.



Defendant: NELSON EUGENE EDWARDS  
Case Number: 93-CR-160-001-C

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	6
Criminal History Category:	III
Imprisonment Range:	2 months to 8 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 500 to \$ 1,000,000
Restitution:	\$ 1,480

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

ENTERED ON DOCKET

DATE 3-23-94

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 22 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA )

Plaintiff )

VS )

FRANK G. BURNS )

Defendant )

Case Number: 91-CR-062-001-C

ORDER REVOKING PROBATION

Now on this 18th day of March 1994, this cause comes on for sentencing after a finding on March 14, 1994, that the defendant violated conditions of his probation as set out in the Petition on Probation filed in open Court on February 17, 1994. The defendant is present in person and by counsel, Assistant Federal Public Defender Craig Bryant, the government by Assistant U.S. Attorney Lucy Creekmore, and the Probation Office by Ann Farley.

The defendant was heretofore, on November 13, 1992, sentenced in the Northern District of Oklahoma to three years probation following his plea of guilty to False Statement to Licensed Firearms Dealer - Counts One and Two, in violation of 18 U.S.C. § 922(a)(6). Special conditions included four months on home detention, participation in a drug aftercare program with urinalysis, and payment of a \$250 fine. On February 10, 1993, following program failure at Freedom House, the Court ordered modification of the conditions to include placement at the Tulsa Salvation Army Community Correctional Center for a term not to exceed 120 days.

United States District Court ) ss  
Northern District of Oklahoma )

I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

By Richard M. Lawrence, Clerk  
R. Miller  
Deputy

On February 17, 1994, a Petition was filed alleging the defendant was found to be in possession of a loaded .22 rifle, fifty rounds of .22 ammunition, and a quantity of marijuana. A warrant was issued and the defendant was arrested February 22, 1994, and made an initial appearance that date before Magistrate Judge Wolfe. The defendant was ordered temporarily detained pending Probable Cause and Detention Hearings, both of which were conducted February 25, 1994, and Judge Wolfe determined there was probable cause to support the allegations and detained the defendant. On March 14, 1994, a Revocation Hearing was held before this Court, and the defendant stipulated to the allegations as presented in the Petition. The Court found the defendant had violated his probation conditions, had been in possession of controlled dangerous substances and a firearm as described in 18 U.S.C. § 3565(a) and (b), and revoked defendant's term of probation. The defendant was detained pending his March 18, 1994, sentencing hearing.

Therefore, it is the judgment of this Court that the defendant shall be sentenced to the custody of the Bureau of Prisons for a term of six months as to Counts One and Two, to run concurrent. The Court recommends that the Bureau of Prisons designate as the place of confinement an institution that offers drug and alcohol counseling and treatment programs. Following release from the Bureau of Prisons, the defendant is ordered to serve a two year term of supervised release on both Counts One and Two, to run concurrent with each other, with the following special conditions:

(1) The defendant shall totally abstain from alcohol consumption.

(2) The defendant must successfully participate in a program of testing and treatment for drug and alcohol abuse, to include in-patient, as directed by the Probation Office until such time as released from the program by the Probation Office.

(3) The defendant shall submit to a search conducted by a United States Probation Officer of your person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition, and without having obtained written acknowledgement of an agreement to allow such searches from other residents. This acknowledgement shall be provided to the U.S. Probation Office prior to residency.



The Honorable H. Dale Cook  
U.S. District Judge

3-22-94  
Date

DEPUTY CLERK  
FILED

MAR 22 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

U.S.A. )  
 )  
V ) 85-CR-36-001  
 )  
JAMES WILLIAM BOLT )

O R D E R

Now on this 18th day of March, 1994, the defendant, appearing personally and represented by Counsel Craig Bryant, Federal Public Defender, stipulates to the allegations contained in the petition on Probation and Supervised Release filed in the above styled case on May 6, 1993.

The defendant further requests immediate sentencing.

After hearing statements of the defendant and both counsel, the Court orders that, as to Count 19, James W. Bolt, be committed to the Custody of the Bureau of Prisons for a term of One (1) year and One (1) day. Said sentence to run consecutive to the violator term the defendant is now serving. Further, the sentence of imprisonment is ordered pursuant to Title 18, United States Code, Section 4205(b)(2).



H. DALE COOK  
UNITED STATES DISTRICT JUDGE

United States District Court )  
Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

ENTERED ON DOCKET

DATE 3-23-94

ENTERED ON DOCKET

DATE 3-23-94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-110-001-C

BILLY FRED MILLER  
Defendant.

FILED

MAR 22 1994

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, BILLY FRED MILLER, was represented by Michael D. Wehba.

The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 846, 841(a)(1), and 841(b)(1)(B)(vii)	Conspiracy To Possess With Intent To Distribute 100 Kilograms Or More Of Marijuana	04-23-93	1

As pronounced on March 18, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 22<sup>nd</sup> day of March, 1994.The Honorable H. Dale Cook  
United States District JudgeUnited States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By R. Miller  
6/24/92

Defendant's SSN: 447-69-9194

Defendant's Date of Birth: 05-01-68

Defendant's residence and mailing address: 2207 W. Galveston Street, Broken Arrow, Oklahoma 74012

Defendant: BILLY FRED MILLER  
Case Number: 93-CR-110-001-C

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on April 18, 1994.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: BILLY FRED MILLER  
Case Number: 93-CR-110-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.



Defendant: BILLY FRED MILLER  
Case Number: 93-CR-110-001-C

FINE

The defendant shall pay a fine, as to count 1 of the Indictment, of \$ 1,000. This fine includes any costs of incarceration and supervision.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release, as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: BILLY FRED MILLER  
Case Number: 93-CR-110-001-C

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	23
Criminal History Category:	I
Imprisonment Range:	60 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 10,000 to \$ 2,000,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range upon motion of the government, as a result of defendant's substantial assistance.



UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-157-001-C

ANTHONY ARNELL ALBERTY  
Defendant.

FILED

MAR 22 1994

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)Richard M. Lawrence, Clerk  
DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, ANTHONY ARNELL ALBERTY, was represented by Robert Nigh, Jr..

On motion of the United States the court has dismissed count 2 of the Indictment.

The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 922(g)(1) and 924(a)(2)	Possession Of A Firearm After Conviction Of A Felony	04-03-93	1

As pronounced on March 18, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 22<sup>nd</sup> day of March, 1994.  
The Honorable H. Dale Cook  
United States District JudgeDefendant's SSN: 444-66-7411  
Defendant's Date of Birth: 06/03/72  
Defendant's residence and mailing address: 427 N. Ross, Dewey, OklahomaUnited States District Court )  
Northern District of Oklahoma ) SSI hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

Defendant: ANTHONY ARNELL ALBERTY  
Case Number: 93-CR-157-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 90 months.

The Court makes the following recommendations to the Bureau of Prisons: The court recommends that the Bureau of Prisons designate the Oklahoma Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment in CRF-93-136, which was filed in Washington County, Oklahoma.

The defendant is remanded to the custody of the Oklahoma Department of Corrections.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: ANTHONY ARNELL ALBERTY  
Case Number: 93-CR-157-001-C

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: ANTHONY ARNELL ALBERTY  
Case Number: 93-CR-157-001-C

**FINE**

The defendant shall pay a fine of \$ 1,000 as to count 1 of the Indictment. This fine includes any costs of incarceration and supervision.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release, as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: ANTHONY ARNELL ALBERTY  
Case Number: 93-CR-157-001-C

### STATEMENT OF REASONS

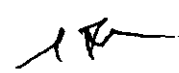
The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	21
Criminal History Category:	VI
Imprisonment Range:	77 months to 96 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 7,500 to \$ 75,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



ENTERED ON DOCKET

DATE

3/21/94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-168-001-C

MARIE HUNTER  
Defendant.

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

FILED

MAR 21 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, MARIE HUNTER, was represented by Robert Nigh, Jr..

On motion of the United States the court has dismissed counts 1 and 3 of the Indictment.

The defendant pleaded guilty to count 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1001	False Statements To Federal Agency	04/06/90	2

As pronounced on March 14, 1994, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 18 day of March, 1994.

  
The Honorable H. Dale Cook  
United States District Judge

United States District Court }  
Northern District of Oklahoma } SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By SM C. Lawrence  
74127 Deputy

Defendant's SSN: 444-60-2571

Defendant's Date of Birth: 11/05/56

Defendant's residence and mailing address: 119 South 34th West Avenue, Tulsa, Oklahoma



Defendant: MARIE HUNTER  
Case Number: 93-CR-168-001-C

### PROBATION

The defendant is hereby placed on probation for a term of 5 years.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 4 months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: MARIE HUNTER  
Case Number: 93-CR-168-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution as to count 2 of the Indictment in the total amount of \$8,331.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Tulsa Housing Authority 415 East Independence Tulsa, Oklahoma 74103	\$8,331.00

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation, as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: MARIE HUNTER  
Case Number: 93-CR-168-001-C

### STATEMENT OF REASONS

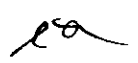
The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	8
Criminal History Category:	II
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 8,331

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



DATE 3-18-94IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 86-CR-112-C

MOSE STEPHENS, JR.

a/k/a/ STEVE M. STEPHENS,

Defendant.

FILED

MAR 17 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

## ORDER

Defendant requests transfer and reassignment of this case in order to file a motion for new trial. Under Rule 33 F.R.Cr.P., courts retain jurisdiction to entertain motions for new trial if filed within seven days of the verdict, or if based on newly discovered evidence, courts retain jurisdiction for two years following the verdict. The verdict was rendered in this case on January 26, 1987.

Accordingly, defendant's motion for reassignment of this case to another judge is hereby denied.

IT IS SO ORDERED this 17<sup>th</sup> day of March, 1994.



H. DALE COOK

United States District Judge

aw

ENTERED ON DOCKET  
DATE MAR 16 1994

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

MAR 16 1994

UNITED STATES OF AMERICA

v.

Case Number 93-CR-169-B

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

PAULA J. ETTER  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, PAULA J. ETTER, was represented by Robert Nigh.

On motion of the United States the court has dismissed counts 1, 2, and 4 of the Indictment.

The defendant pleaded guilty to count 3 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1001	False Statements To Government Agency	08/29/91	3

As pronounced on March 11, 1994, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 3 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 15 day of March, 1994.

United States District Court )  
Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By [Signature]  
Deputy

[Signature]

The Honorable Thomas R. Brett  
United States District Judge

Defendant's SSN: 445-64-5288

Defendant's Date of Birth: 11/06/58

Defendant's residence and mailing address: 1054 North Irvington, Apt. A, Tulsa, Oklahoma 74115

Defendant: PAULA J. ETTER  
Case Number: 93-CR-169-B

### **PROBATION**

The defendant is hereby placed on probation for a term of 5 years.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.

### **STANDARD CONDITIONS OF PROBATION**

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: PAULA J. ETTER  
Case Number: 93-CR-169-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution as to count 3 of the Indictment in the total amount of \$10,000.

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Tulsa Housing Authority 415 East Independence Tulsa, Oklahoma 74106	\$10,000

Payments of restitution are to be made to the United States Attorney for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation, as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: PAULA J. ETTER  
Case Number: 93-CR-169-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	7
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ 18,613

The fine is waived or is below the guideline range because of the defendant's inability to pay.

Full restitution is not ordered for the following reason(s): Due to defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.



ENTERED ON DOCKET  
DATE MAR 16 1994

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

MAR 16 1994

UNITED STATES OF AMERICA

v.

RESENTENCING PURSUANT TO RULE 35(b) MOTION  
Case Number 92-CR-148-001-B  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ROBERT DWAYNE LEIKER  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, ROBERT DWAYNE LEIKER, was represented by Robert Nigh, Jr..

The defendant pleaded guilty to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

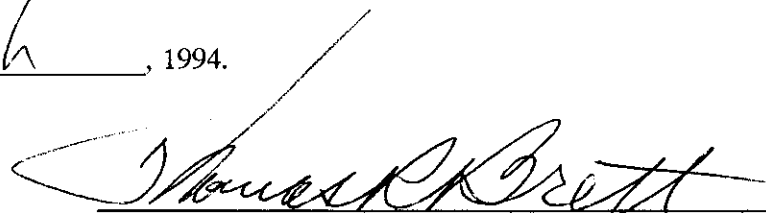
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)	Possession Of Firearm After Former Conviction Of A Felony	01/09/92	1

As pronounced on March 11, 1994, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately if not already paid while in custody of the Bureau of Prisons.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 16<sup>th</sup> day of March, 1994.



The Honorable Thomas R. Brett  
United States District Judge

Defendant's SSN: 512-78-4717

Defendant's Date of Birth: 05/26/67

Defendant's residence and mailing address: 306 South 41st West Avenue, Tulsa, Oklahoma 74127

United States District Court  
Northern District of Oklahoma ) SS

I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk  
By  Deputy

Defendant: ROBERT DWAYNE LEIKER  
Case Number: 92-CR-148-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 9 months with credit for time served. Without the benefit of knowing the exact amount of his time served, it is the intent of the court that the defendant be released from federal custody this date because the court considers that his previous time in custody satisfies this sentence.

The defendant is remanded to the custody of the United States Marshal with credit for time served.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: ROBERT DWAYNE LEIKER  
Case Number: 92-CR-148-001-B

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: ROBERT DWAYNE LEIKER  
Case Number: 92-CR-148-001-B

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	12
Criminal History Category:	VI
Imprisonment Range:	30 months to 37 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range upon motion of the government, as a result of defendant's substantial assistance. Pursuant to Rule 35(b), the Court departs downward from the applicable guidelines and finds that an offense level of 4 is appropriate. With a Criminal History Category of VI, the applicable range of imprisonment is 6 to 12 months.

ENTERED ON DOCKET  
DATE MAR 14 1994

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

MAR 14 1994

Richard M. Lawrence, Court Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
TOMMY HARROL SHEPPARD )  
Defendant )

Case Number: 91-CR-081-001-B

ORDER REVOKING SUPERVISED RELEASE AND SENTENCING

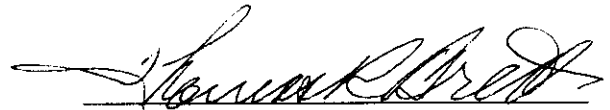
Now on this 14th day of March 1994, this cause comes on for sentencing after a finding that the defendant violated the conditions of supervised release as set out in the Petition on Probation and Supervised Release filed in open Court on February 4, 1994. The defendant is present in person and represented by counsel, Stephen J. Greubel, the Government by Jim Swartz, Assistant U.S. Attorney, and the United States Probation Office is represented by Frank M. Coffman.

On February 17, 1994, a revocation hearing was held regarding the allegations noted in the Petition on Probation and Supervised Release. The Court made a finding that the defendant violated his conditions of supervised release as memorialized in the Petition. Sentencing was scheduled for March 14th, 1994, at 1:15 p.m.

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.  
Richard M. Lawrence, Clerk  
By [Signature] Deputy

Now on this 14th day of March 1994, the Court finds that the defendant was in possession of a controlled substance by the evidence presented in the Petition. Therefore, it is adjudged and ordered that the defendant shall be sentenced to serve twelve (12) months and one (1) day in the custody of the Bureau of Prisons. The Court recommends that the defendant receive substance abuse treatment while incarcerated.

The defendant is remanded to the custody of the U.S. Marshal.

  
The Honorable Thomas R. Brett  
U.S. District Judge 3/14/94

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

DATE 3/10/94  
**FILED**

MAR 09 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
LEE E. MOORE )  
Defendant )

Case Number: 91-CR-160-001-E

ORDER REVOKING TERM OF SUPERVISED RELEASE

Now on this 4th day of March, 1994, this cause comes on for sentencing after finding that the defendant violated his term of supervised release (TSR) conditions as set out in the Petition on Supervised Release filed on February 25, 1994. The defendant is present in person and with his attorney, Richard White. The Government is represented by Assistant United States Attorney James Swartz, and the United States Probation Office is represented by Ann Farley.

The defendant heretofore, on February 11, 1992, pled guilty to Count Two of the Indictment, which charged him with False Statement to Purchase a Firearm, in violation of 18 U.S.C. § 922(a)(6). On May 1, 1992, the defendant was sentenced to three years probation, with a special condition that he spend six months on home detention. On May 21, 1992, the defendant's probation was modified to include a special condition requiring continued alcohol treatment as necessary to assist him in maintaining sobriety. On August 19, 1992, the defendant's probation was revoked following a Petition on Probation filed August 4, 1992, which alleged a positive urinalysis for marijuana, failure to notify the U.S. Probation Office of change of employment, and failure to comply with electronic monitoring conditions. The defendant was ordered imprisoned for twelve months, followed by a three year term of supervised release.

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk  
By R. M. Lawrence

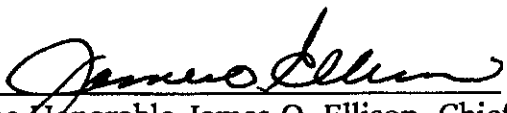
On this date, a Revocation Hearing was held regarding the allegations listed in the Petition, said allegations being that on October 20 and November 13, 1993, and January 25, 1994, the defendant tested positive for marijuana, and on February 10, 1994, the defendant was arrested for Driving Under the Influence, thereby violating the supervision conditions concerning not committing another Federal, state, or local crime, illegal possession of a controlled substance, and excessive use of alcohol. The defendant stipulated to all violations at the hearing, and the Sentencing Hearing was held this same date.

As a result of the sentencing, the Court finds that the instant conviction occurred after November 1, 1987, and that Chapter 7 of the U.S.S.G. is applicable. Further, the Court finds that the TSR violations constitute Grade C violations, in accordance with U.S.S.G. § 7B1.1 (a)(3). The defendant's original Criminal History Category of VI is now applicable for determining the imprisonment range of 8-14 months, in accordance with U.S.S.G. § 7B1.4(a) and 18 U.S.C. § 3583(e). In consideration of these findings and pursuant to U.S. vs Lee, 957 F.2d 770 (10th Cir. 1992), in which the Circuit determined that policy statements in Chapter 7 of the U.S.S.G. were not mandatory but must be considered by the Court, the following sentence is ordered:

It is adjudged by the Court that the defendant shall be sentenced to serve one year and one day in the custody of the Bureau of Prisons, with recommended placement in an institution with extensive substance abuse treatment facilities.

The defendant is remanded to the custody of the United States Marshal.

3/8/94  
Date

  
The Honorable James O. Ellison, Chief  
United States District Judge



3/10/94

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 93-CR-153-001-E

**FILED**  
MAR 09 1994

DAVID WAYNE CRAWFORD  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, DAVID WAYNE CRAWFORD, was represented by C. Rabon Martin.

The defendant was found guilty on count 1 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

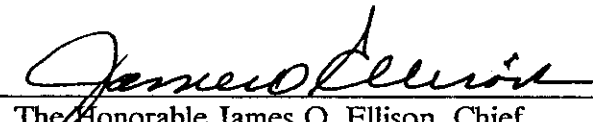
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 922(g)(1) and 924(e)(1)	Possession Of A Firearm After Former Conviction Of A Felony	09/02/93	1

As pronounced on March 4, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 8<sup>th</sup> day of March, 1994.

  
The Honorable James O. Ellison, Chief  
United States District Judge

Defendant's SSN: 507-78-1146  
Defendant's Date of Birth: 08/16/56  
Defendant's mailing address: Route 1, Box 138A, Windsor, Missouri 65360  
Defendant's residence address: Tulsa County Jail

United States District Court )  
Northern District of Oklahoma ) SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk  
By   
Deputy

Defendant: DAVID WAYNE CRAWFORD  
Case Number: 93-CR-153-001-E

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 270 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: DAVID WAYNE CRAWFORD

Case Number: 93-CR-153-001-E

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: DAVID WAYNE CRAWFORD  
Case Number: 93-CR-153-001-E

**FINE**

The defendant shall pay a fine of \$ 5,000. This fine includes any costs of incarceration and supervision.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This fine (plus any interest required) shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release, as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: DAVID WAYNE CRAWFORD  
Case Number: 93-CR-153-001-E

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	33
Criminal History Category:	VI
Imprisonment Range:	235 months to 293 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 17,500 to \$ 175,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: Defendant's combination of possession of weapons and drugs and criminal history merits a sentence in the middle of the applicable guideline range.

PR

ENTERED ON DOCKET

UNITED STATES DISTRICT COURT

**FILED**DATE MAR - 8 1994

Northern District of Oklahoma

UNITED STATES OF AMERICA

MAR 8 1994

v.

Case Number 93-CR-128-001-**Richard M. Lawrence, Court Clerk**  
**U.S. DISTRICT COURT**ANTONIO DEWAYNE WILSON  
Defendant.**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, ANTONIO DEWAYNE WILSON, was represented by Stephen J. Greubel.

On motion of the United States the court has dismissed counts 1 and 3 of the Indictment.

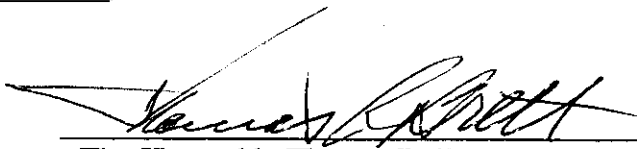
The defendant pleaded guilty to count 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1)	Possession Of A Firearm After Former Conviction Of A Felony.	02/04/93	2

As pronounced on March 4, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 8<sup>th</sup> day of March, 1994.
  
 The Honorable Thomas R. Brett  
 United States District Judge

Defendant's SSN: 441-82-0566

Defendant's Date of Birth: 07/16/73

Defendant's residence and mailing address: Tulsa County Jail

I hereby certify that the foregoing is a true and correct copy of the original on file in this Court.  
 Richard M. Lawrence, Clerk  
 By [Signature]  
 Deputy

Defendant: ANTONIO DEWAYNE WILSON  
Case Number: 93-CR-128-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 40 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: ANTONIO DEWAYNE WILSON  
Case Number: 93-CR-128-001-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.



Defendant: ANTONIO DEWAYNE WILSON  
Case Number: 93-CR-128-001-B

**FINE**

The defendant shall pay a fine of \$ 500. This fine includes any costs of incarceration and supervision.

This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release, as directed by the U.S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: ANTONIO DEWAYNE WILSON  
Case Number: 93-CR-128-001-B

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	17
Criminal History Category:	IV
Imprisonment Range:	37 months to 46 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 50,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

DATE

3/4/94

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 13 1994

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES E. JOUBERT,

Defendant.

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

Case No. 90-CR-31-E

O R D E R

Now before the Court is the 28 U.S.C. §2255 Motion to Vacate Sentence of Defendant James E. Joubert (Joubert).<sup>1</sup>

Joubert moves to vacate his sentence for possession of crack cocaine, arguing that the sentence violates the equal protection clause because blacks are more likely to possess crack cocaine than whites who are more likely to possess powder cocaine. The Court of Appeals held, in U.S. v. Easter, 981 F.2d 1549, 1559 (10th Cir. 1992) that the enhanced penalty scheme in the U.S. Sentencing Guidelines for offenses involving cocaine base (crack) was rational and did not offend constitutional equal protection guarantees.

The Court reasoned that a neutral law with a disproportionate impact on blacks is unconstitutional only if the impact can be traced to a discriminatory purpose. Id. The Court found that there was no evidence that the harsher penalty was adopted to

<sup>1</sup> No hearing is required in a §2255 proceeding "if the motion raises no cognizable claim, . . . or if the factual matters raised by the motion may be resolved on the record before the district court." Oliver v. United States, 961 F.2d 1339, 1343 n. 5 (7th Cir. 1992). The Court determines that no hearing is necessary in this case because the motion may be resolved on the record before the Court.

Richard M. Lawrence  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
B.M. Lullough

further a racially discriminatory purpose, that the scheme was rational, and rejected Defendant's claim. Id. See also, United States v. Thurmond, 7 F.3d 947 (10th Cir. 1993), United States v. Angulo-Lopez, 7 F.3d 1506 (10th Cir. 1993). In the present case, movant also argues that the enhanced penalty scheme disproportionately impacts on blacks, but presents no evidence that the penalty was adopted to further a racially discriminatory purpose.

Movant's reliance on United States v. Majied, 1993 WL 315987 (D. Neb) is misplaced. That Court did not find that the sentencing guidelines for crimes involving crack cocaine were unconstitutional, and in fact, denied the constitutional challenge. Id.

Movant also argues that he received ineffective assistance of counsel because he did not raise the equal protection argument at trial or on appeal. In order to support a claim for ineffective assistance of counsel, movant must show that counsel's performance was deficient and that the deficient performance prejudiced the defense. Strickland v. Washington, 104 S.Ct.2052, 2064 (1984). In the present case, any failure to raise this issue could not have prejudiced the defense since the argument is not supported by the law in this Circuit. Joubert's Motion to Vacate is denied.

IT IS SO ORDERED THIS 3<sup>rd</sup> DAY OF MARCH, 1994.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RECEIVED  
MAR 3 1994

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY JAMES HILL,

Defendant.

No. 88-CR-110-B

FILED

MAR 2 - 1994

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ORDER

At issue before the court are defendant's motion to vacate, set aside or correct sentence by a person in federal custody pursuant to 28 U.S.C. § 2255, and the government response.

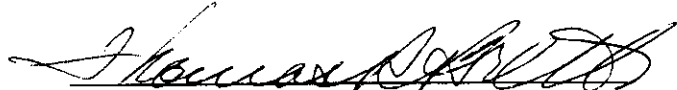
In his section 2255 motion, the defendant alleges that, upon breach of his condition of supervised release, the district court improperly sentenced him to ninety days imprisonment followed by an additional twenty-one months of supervised release.

After carefully considering the record, the court concludes that defendant's motion is moot. The relief the defendant seeks was granted by this court on May 25, 1993, when the court vacated the six-month term of supervised release in accordance with United States v. Rockwell, 984 F.2d 1112, 1117 (10th Cir.), cert. denied, 113 S. Ct. 2945 (1993) (holding that upon breach of a condition of supervised release, the district court may revoke supervised release and order the defendant to serve a term in prison, or may extend the defendant's term of supervised release, but not both).

**ACCORDINGLY, IT IS HEREBY ORDERED that** defendant's motion to vacate, set aside or correct sentence [docket #77] is **denied as**

moot.

SO ORDERED THIS 2<sup>nd</sup> day of March, 1994.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

DATE 3-2-94

By R. Miller  
Deputy

probation office. Moreover, a special condition requiring participation in drug and/or mental health counseling treatment, to include inpatient treatment for up to 180 days at Freedom House or Salvation Army Community Treatment Center, was ordered by the Court on January 30, 1993.

On December 22, 1993, a Revocation Hearing was held regarding the allegations noted in the Petition on Probation filed December 3, 1993. The Petition alleged that the defendant submitted urine specimens which tested positive for drugs not prescribed to him and/or admitted to drug use on nine separate occasions between September 24, 1992, and November 13, 1993. Holt stipulated to the allegations contained in the Petition. Subsequently, a Sentencing Hearing was set for February 8, 1994, with Holt being released and ordered to abide by the previously established conditions of probation.

On January 20, 1993, a second Petition on Probation was filed, alleging Holt had submitted urine specimens on December 21, 1993, and December 30, 1993, which tested positive for cocaine. In addition, the Petition alleged Holt was out of the Northern District of Oklahoma without permission on January 19, 1994, and had been out of the district the majority of the time since January 10, 1994. A warrant was issued, and Holt was arrested by the United States Marshal's Office in Ottawa, Kansas, on January 25, 1994. He was subsequently transported to Tulsa after waiving counsel and removal and detention hearing.



On February 9, 1994, Holt admitted to the allegations contained in the Petition filed January 20, 1994. At the request of the defense counsel, sentencing was scheduled for February 23, 1994.

It is adjudged by the Court that Everett C. Holt shall be sentenced to serve one year in the custody of the Bureau of Prisons. Pursuant to 18 U.S.C. § 3663, Holt is to pay the remaining \$460 in restitution while in confinement. It is the recommendation of the Court that the Bureau of Prisons place Holt in a facility where adequate drug counseling and treatment are available.

The defendant is remanded to the custody of the United States Marshal.

A handwritten signature in dark ink, appearing to read "H. Dale Cook", is written over a horizontal line.

H. Dale Cook,  
United States District Judge

3/2/94

CW

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

RESENTENCING PURSUANT TO  
10TH CIRCUIT MANDATE  
Case Number 92-CR-087-001-E

v.

DEANDRE SMITH (AKA-DINO)  
Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, DEANDRE SMITH (AKA-DINO), was represented by Robert Nigh.

The defendant was found guilty on count 1 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count, involving the following offenses:

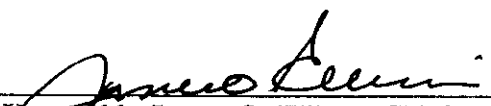
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) and 841(b)(1)(B)	Distribution Of Cocaine Base	12/17/91	1
18 USC 2	Aiding and Abetting	12/17/91	1

As pronounced on February 25, 1994, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2<sup>d</sup> day of March, 1994.

  
The Honorable James O. Ellison, Chief  
United States District Judge

Defendant's SSN: 443-66-7170  
Defendant's Date of Birth: 09/16/73  
Defendant's mailing address: Bureau of Prisons  
Defendant's residence address: 252 East Oklahoma Place, Tulsa, Oklahoma 74126

United States District Court ) SS  
Northern District of Oklahoma )  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By   
Deputy

Defendant: DEANDRE SMITH (AKA-DINO)  
Case Number: 92-CR-087-001-E

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 70 months with credit for time served.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be placed at the El Reno Correctional Institution in El Reno, Oklahoma, for the duration of his sentence of imprisonment.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: DEANDRE SMITH (AKA-DINO)  
Case Number: 92-CR-087-001-E

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: DEANDRE SMITH (AKA-DINO)  
Case Number: 92-CR-087-001-E

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	26
Criminal History Category:	II
Imprisonment Range:	70 months to 87 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 12,500 to \$ 2,000,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

**FILED**ENTERED ON DOCKET  
MAR - 2 1994  
DATEUNITED STATES DISTRICT COURT  
Northern District of Oklahoma

MAR 1 1994

Richard M. Lawrence, Court Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

REVISED  
RESENTENCING AFTER REMAND  
Case Number 91-CR-024-001-B

v.

THOMAS HOWARD GILBREATH  
Defendant.**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, THOMAS HOWARD GILBREATH, was represented by Sondra Fogley.

On motion of the United States the court has dismissed counts 2, 3, and 6 through 25 of the Indictment.

The defendant pleaded guilty to counts 1, 4, and 5 of the Indictment. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	05/01/90	1
18 USC 1343 and 2	Wire Fraud And Aiding And Abetting	02/14/90	4 & 5

As pronounced on February 25, 1994, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50 each as to counts 1, 4, and 5 of the Indictment, for a total of \$150, which shall be due immediately.

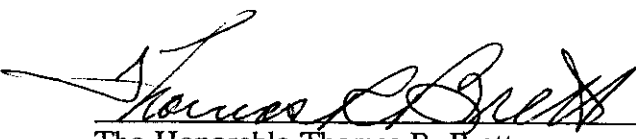
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 1<sup>ST</sup> day of March, 1994.United States District Court )  
Northern District of Oklahoma ) SSI hereby certify that the foregoing  
is a true copy of the original on file  
in this Court.

Richard M. Lawrence, Clerk

By

Deputy

  
The Honorable Thomas R. Brett  
United States District Judge

Defendant's SSN: NONE

Defendant's Date of Birth: 08/17/34

Defendant's residence and mailing address: Oklahoma State Penitentiary, P.O. Box 97, McAlester, Oklahoma 74501

Defendant: THOMAS HOWARD GILBREATH  
Case Number: 91-CR-024-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 71 months, as to counts 1, 4, and 5 as to each count to run concurrently.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: THOMAS HOWARD GILBREATH  
Case Number: 91-CR-024-001-B

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to counts 1, 4, and 5 as to each count to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.

### **STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.



Defendant: THOMAS HOWARD GILBREATH  
Case Number: 91-CR-024-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution as to count 1 of the Indictment in the total amount of \$27,090.51.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Mabel E. Kluchesky 4515 W. Powell Gresham, OR 97030	\$15,626.00
Bernice M. Nixon 424 Avenue D Snohomish, WA	\$ 3,377.10
Dorothy L. Peak 406 E. Magnolia Centralia, WA 98531	\$ 5,827.32
Jewell Walton 308 N. Chestnut Bloomfield, NM 87413	\$ 2,260.09
	<u>\$27,090.51</u>

Payments of restitution are to be made to the United States Attorney for transfer to the payees. Restitution shall be paid joint and several to the restitution orders previously imposed against co-defendants Kathleen Washington and Steven Young.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: THOMAS HOWARD GILBREATH  
Case Number: 91-CR-024-001-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	18
Criminal History Category:	VI
Imprisonment Range:	57 months to 71 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 6,000 to \$ 99,224
Restitution:	\$ 27,090.51

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

